

HB 1717 - S COMM AMD

By Committee on Transportation

ADOPTED 04/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 79A.05.115 and 2006 c 160 s 1 are each amended to
4 read as follows:

5 (1) The commission shall develop and maintain a cross-state trail
6 facility with appropriate appurtenances.

7 (2) This section expires July 1, ~~((2009))~~ 2019, ~~((if))~~ unless the
8 department of transportation ~~((does not))~~ enters into a franchise
9 agreement for a rail line over any of the portions of the Milwaukee
10 Road corridor between Ellensburg and ~~((Lind))~~ Marengo by July 1,
11 ~~((2009))~~ 2019.

12 **Sec. 2.** RCW 79A.05.120 and 2006 c 160 s 2 are each amended to read
13 as follows:

14 (1) To facilitate completion of a cross-state trail under the
15 management of the parks and recreation commission, management and
16 control of lands known as the Milwaukee Road corridor shall be
17 transferred between state agencies as follows on the date a franchise
18 agreement is entered into for a rail line over portions of the
19 Milwaukee Road corridor:

20 (a) Portions owned by the state between Ellensburg and the Columbia
21 river that are managed by the parks and recreation commission are
22 transferred to the department of transportation;

23 (b) Portions owned by the state between the west side of the
24 Columbia river and Royal City Junction and between Warden and Lind that
25 are managed by the department of natural resources are transferred to
26 the department of transportation; ~~((and))~~

27 (c) Portions owned by the state between Lind and the Idaho border
28 that are managed by the department of natural resources are transferred
29 to the parks and recreation commission as of June 7, 2006; and

1 (d) Portions owned by the state between Lind and Marengo are
2 transferred to the department of transportation.

3 (2) The department of natural resources may, by mutual agreement
4 with the parks and recreation commission, transfer management authority
5 over portions of the Milwaukee Road corridor to the state parks and
6 recreation commission, at any time prior to the department of
7 transportation entering into a franchise agreement.

8 (3) This section expires July 1, (~~(2009)~~) 2019, and no transfers
9 shall occur (~~(if)~~) unless the department of transportation (~~(does not)~~)
10 enters into a franchise agreement for a rail line over any of the
11 portions of the Milwaukee Road corridor between Ellensburg and (~~(Lind)~~)
12 Marengo by July 1, (~~(2009)~~) 2019.

13 **Sec. 3.** RCW 79A.05.125 and 2006 c 160 s 3 are each amended to read
14 as follows:

15 (1) The department of transportation shall negotiate (~~(a)~~) one or
16 more franchises with (~~(a)~~) rail carriers to establish and maintain a
17 rail line over portions of the Milwaukee Road corridor owned by the
18 state between Ellensburg and (~~(Lind)~~) Marengo. The department of
19 transportation may negotiate such a franchise with any qualified rail
20 carrier. Criteria for negotiating the franchise and establishing the
21 right-of-way include:

22 (a) Assurances that resources from the franchise will be sufficient
23 to compensate the state for use of the property, including completion
24 of a cross-state trail between Easton and the Idaho border;

25 (b) Types of payment for use of the franchise, including payment
26 for the use of federally granted trust lands in the transportation
27 corridor;

28 (c) Standards for maintenance of the line;

29 (d) Provisions ensuring that both the conventional and intermodal
30 rail service needs of local shippers are met. Such accommodations may
31 comprise agreements with the franchisee to offer or maintain adequate
32 service or to provide service by other carriers at commercially
33 reasonable rates;

34 (e) Provisions requiring the franchisee, upon reasonable request of
35 any other rail operator, to provide rail service and interchange
36 freight over what is commonly known as the Stampede Pass rail line from
37 Cle Elum to Auburn at commercially reasonable rates;

1 (f) If any part of the franchise agreement is invalidated by
2 actions or rulings of the federal surface transportation board or a
3 court of competent jurisdiction, the remaining portions of the
4 franchise agreement are not affected;

5 (g) Compliance with environmental standards; and

6 (h) Provisions for insurance and the coverage of liability.

7 (2) The franchise may provide for periodic review of financial
8 arrangements under the franchise.

9 (3) The department of transportation, in consultation with the
10 parks and recreation commission and the senate and house transportation
11 committees, shall negotiate the terms of the franchise, and shall
12 present the agreement to the parks and recreation commission for
13 approval of as to terms and provisions affecting the cross-state trail
14 or affecting the commission.

15 (4) This section expires July 1, ~~((2009))~~ 2019, ~~((if))~~ unless the
16 department of transportation ~~((does not))~~ enters into a franchise
17 agreement for a rail line over any of the portions of the Milwaukee
18 Road corridor between Ellensburg and Marengo by July 1, ~~((2009))~~ 2019.

19 **Sec. 4.** RCW 79A.05.130 and 2006 c 160 s 4 are each amended to read
20 as follows:

21 (1) The cross-state trail account is created in the custody of the
22 state treasurer. Eleven million five hundred thousand dollars is
23 provided to the state parks and recreation commission to acquire,
24 construct, and maintain a cross-state trail. This amount may consist
25 of: (a) Legislative appropriations intended for trail development; (b)
26 payments for the purchase of federally granted trust lands; and (c)
27 franchise fees derived from use of the rail corridor. The legislature
28 intends that any amounts provided from the transportation fund are to
29 be repaid to the transportation fund from franchise fees.

30 (2) The department shall deposit franchise fees from use of the
31 rail corridor according to the following priority: (a) To the
32 department of transportation for actual costs incurred in administering
33 the franchise; (b) to the department of natural resources as
34 compensation for use of federally granted trust lands in the rail
35 corridor; (c) to the transportation fund to reimburse any amounts
36 transferred or appropriated from that fund by the legislature for trail
37 development; (d) to the cross-state trail account, not to exceed eleven

1 million five hundred thousand dollars, provided that this amount shall
2 be reduced proportionate with any funds transferred or appropriated by
3 the 1996 legislature or paid from franchise fees for the purchase of
4 federally granted trust lands or for trail development; and (e) the
5 remainder to the essential rail assistance account, created under RCW
6 47.76.250. Expenditures from the cross-state trail account may be used
7 only for the acquisition, development, operation, and maintenance of
8 the cross-state trail. Only the director of the state parks and
9 recreation commission or the director's designee may authorize
10 expenditures from the account. The account is subject to allotment
11 procedures under chapter 43.88 RCW, but no appropriation is required
12 for expenditures.

13 (3) The commission may acquire land from willing sellers for the
14 cross-state trail, but not by eminent domain.

15 (4) The commission shall adopt rules describing the cross-state
16 trail.

17 (5) This section expires July 1, ~~((2009))~~ 2019, ~~((if))~~ unless the
18 department of transportation ~~((does not))~~ enters into a franchise
19 agreement for a rail line over any of the portions of the Milwaukee
20 Road corridor between Ellensburg and Marengo by July 1, ~~((2009))~~ 2019.

21 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 June 30, 2009."

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25 On page 1, line 1 of the title, after "Relating to" strike the
26 remainder of the title and insert "a rail line over the Milwaukee Road
27 corridor; amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and
28 79A.05.130; providing an effective date; providing contingent
29 expiration dates; and declaring an emergency."

EFFECT: Portions of the rail line between Lind and Marengo are transferred to DOT, and added to the segments for which DOT must negotiate rail service. The effective date is changed to June 30, 2009.

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